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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,055	05/08/2007	Armin Kochler	10191/4095	8814
26646 7590 05/26/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
			EXAMINER	
			ALGAHAIM, HIFAL A	
			ART UNIT	PAPER NUMBER
			3663	
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			05/26/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,055

Applicant(s)

KOEHLER ET AL.

Examiner

HELAL A. ALGAHAIM

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to amendment filed on 02/09/2009. Claims 21-30 are newly added claims. Claims 11-30 are pending examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **11, 13, 15 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Andres (Patent Number: 6236922) in view of Mattes et al (Patent Number: 5014810)**.

Regarding claim **11**: Andres discloses a method for activating at least one personal protection device as a function of at least one signal derived from at least one acceleration sensor, the method comprising:

using a forward displacement as the at least one signal (see at least col. 3, lines 14-15).

comparing the at least one signal to at least one threshold value surface, which is set as a function of a velocity decrease and a deceleration (see at least, fig. 4, fig. 5, col. 3, lines 4-20 and col. 5, lines 1-25).

Andres does not explicitly disclose activating the personal protection device as a function of the comparison. **However, Mattes et al discloses this limitation, see fig. 5. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the**

teaching of Mattes et al in Andres invention to activate the passenger restraint more accurately.

Regarding claim 13: The combination of Andres and Mattes et al disclose the method according to claim 11, modifying the threshold value surface as a function of at least one of (a) a signal of an applied external sensor system and (b) at least one characteristic value **(see at least Andres, fig. 1 and col. 2, lines 10-32).**

Regarding claim 15: The combination of Andres and Mattes et al disclose the method according to claim 11, further comprising setting the threshold value surface as a function of a crash phase **(see at least Mattes, col. 6, lines 33-50).**

Regarding claim 20: The combination of Andres and Mattes et al disclose the method according to claim 11, wherein at least one of the steps is performed by a control unit **(see Andres, fig. 1).**

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Andres (Patent Number: 6236922) in view of Mattes et al (Patent Number: 5014810) and further view of Foo et al (Patent Number: 6459366) and Fischer (Pub. No.: US 2003/0197356).**

Regarding claim 12: The Combination of Andres and Mattes et al disclose the method according to claim 11, further comprising:

The combination of Andres do not explicitly disclose comparing the forward displacement to a first threshold value which is set as a function of the velocity decrease. **However, Foo et al discloses this limitation, see fig. 5 and col. 2, lines 1-9. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate**

the teaching of Foo et al in the combination Andres and Mattes et al for a better control of occupant protection devices.

The combination of Andres and Mattes et al in view of Foo et al do not explicitly disclose comparing the forward displacement to a second threshold value which is set as a function of the deceleration; and simulating the threshold value surface as a function of the comparisons.

However, Fischer discloses this limitation, see par. 0047. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Fischer in the combination Andres and Mattes et al in view of Foo et al for a better control of occupant protection devices to discriminate between events for deploying airbags more accurately.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Andres (Patent Number: 6236922)** in view of **Mattes et al (Patent Number: 5014810)** and further view **Yeh et al (Patent Number: 6549836)**.

Regarding claim 14: The Combination of Andres and Mattes et al disclose the method according to claim 11, but do not explicitly disclose modifying the threshold value surface as a function of at least one of a crash type recognition and a crash severity recognition. **However, Yeh et al discloses this limitation, see abstract and col. 8, lines 8-21. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Yeh et al in the combination Andres and Mattes et al to improve the occupant safety.**

5. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Andres (Patent Number: 6236922)** in view of **Mattes et al (Patent Number: 5014810)** and further view of **Foo et al (Patent Number: 6459366)** and **Fischer (Pub. No.: US 2003/0197356)**.

Regarding claims 16-19: The combination of Andres and Mattes et al do not explicitly.

However, Foo et al discloses this limitation, see below. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Foo et al in the combination Andres and Mattes et al for a better control of occupant protection devices.

Regarding claim 16. The method according to claim 15, wherein, if a predefined velocity decrease is reached, a first number indicating whether the forward displacement has reached the threshold value surface is awaited (**Foo et al discloses this limitation, see fig. 5**).

Regarding claim 17. The method according to claim 11, further comprising comparing at least one of the forward displacement and the velocity decrease with a third threshold value (**Foo et al discloses this limitation, see fig. 7**).

Regarding claim 18 and 30. The method according to claim 17, wherein the third threshold value is constant over time (**Foo et al discloses this limitation, see fig. 7**).

Regarding claim 19. The method according to claim 11, further comprising estimating the forward displacement using an expansion into a series (**Foo et al disclose this limitation, see**

fig. 7).

Claims 21-30 are rejected using the same prior arts and same rationales as claims 12-20.

Response to Arguments

Applicant's arguments in regards to claim 1 above has been fully considered but are not persuasive. In particular the applicant argues:

Prior arts do not disclose or suggest "comparing" between "a forward displacement" and a value "set as a function of a velocity decrease and a deceleration."

Examiner respectively disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. **Claim 1 recites the following terms "a forward displacement, velocity and deceleration". The claim fails to specify if the forward displacement correspond to a passenger displacement, vehicle displacement or any other object displacement. Also, the claim fails to specify the if the terms velocity and deceleration correspond to the vehicle itself or any other object. In addition, Andres deploys airbag by detecting the velocity, deceleration and occupant displacement. Therefore, prior arts cited disclose the claims limitations as presently written.**

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELAL A. ALGAHAIM whose telephone number is (571)270-5227. The examiner can normally be reached on Monday - Friday from 7:30 AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A. A./

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Art Unit: 3663

Examiner, Art Unit 3663

/Mark Hellner/

Primary Examiner, Art Unit 3663